

SENATE JOURNAL.

Twenty-ninth Legislature—First Called Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,

Saturday, April 15, 1905.

In obedience to the proclamation of His Excellency, S. W. T. Lanham, Governor of the State of Texas, convening the Twenty-ninth Legislature in special session this the 15th day of April, 1905, the Senate met at 3 o'clock post meridian, and was called to order by Lieutenant Governor Geo. D. Neal.

The roll was called, a quorum being present, the following Senators answering to their names:

A. P. Barrett of Fannin county, representing District No. 3, composed of the counties of Fannin and Lamar.

Charles L. Brachfield of Rusk county, representing District No. 8, composed of the counties of Harrison, Rusk, Panola, Shelby and Gregg.

C. W. Chambers of Red River county, representing District No. 2, composed of the counties of Red River, Titus, Franklin, Hopkins and Delta.

D. E. Decker of Hardeman county, representing District No. 29, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

Joseph Faust of Comal county, representing District No. 21, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

G. W. Glasscock of Williamson county, representing District No. 20, composed of the counties of Williamson, Travis, Burnet and Lampasas.

Arch Grinnan of Brown county, representing District No. 26, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

George B. Griggs of Harris county, representing District No. 16, composed of the counties of Harris, Fort Bend and Waller.

1—Senate.

W. A. Hanger of Tarrant county, representing District No. 30, composed of the counties of Tarrant, Parker, Hood and Somervell.

A. J. Harper of Limestone county, representing District No. 12, composed of the counties of Limestone, Freestone, Robertson and Brazos.

A. S. Hawkins of Midland county, representing District No. 28, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

Marshall Hicks of Bexar county, representing District No. 24, composed of the counties of Bexar, Bandera, Kendall, Kerr and Gillespie.

W. M. Holland of Matagorda county, representing District No. 17, composed of the counties of Chambers, Galveston, Brazoria, Matagorda and Wharton.

B. F. Looney of Hunt county, representing District No. 5, composed of the counties of Collin, Hunt and Rains.

R. W. Martin of Coryell county, representing District No. 27, composed of the counties of Bell, Coryell, Hamilton and Bosque.

W. C. McKamy of Dallas county, representing District No. 6, composed of the counties of Dallas and Rockwall.

McDonald Meachum of Grimes county, representing District No. 15, composed of the counties of Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.

S. P. Skinner of Ellis county, representing District No. 10, composed of the counties of Ellis, Johnson and Hill.

Emory C. Smith of Denton county, representing District No. 31, composed of the counties of Denton, Wise and Montague.

R. N. Stafford of Wood county, representing District No. 7, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

C. C. Stokes of Crockett county, representing District No. 13, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

Tom P. Stone of McLennan county, representing District No. 11, composed

of the counties of McLennan, Falls and Milam.

J. M. Terrell of Morris county, representing District No. 1, composed of the counties of Bowie, Cass, Marion and Morris.

John G. Willacy of San Patricio county, representing District No. 23, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmit and La Salle.

ABSENT MEMBERS.

J. T. Beaty of Jasper county, representing District No. 14, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

A. B. Davidson of DeWitt county, representing District No. 22, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frío, Aransas and Atascosa.

J. J. Faulk of Henderson county, representing District No. 9, composed of the counties of Navarro, Henderson and Kaufman.

J. M. Hale of Burleson county, representing District No. 19, composed of the counties of Washington, Burleson, Lee and Bastrop.

J. L. Harbison of Grayson county, representing District No. 4, composed of the counties of Grayson and Cooke.

J. W. Hill of Tom Green county, representing District No. 25, composed of the counties of Kimble, Menard, Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Medina, Zavala, Reeves, Maverick and Mason.

D. A. Paulus of Lavaca county, representing District No. 18, composed of the counties of Colorado, Lavaca, Fayette and Austin.

Prayer by the Chaplain, Rev. H. M. Sears.

GOVERNOR'S PROCLAMATION.

The President here laid before the Senate the executive proclamation convening the Legislature in extraordinary session, which reads as follows:

PROCLAMATION.

Executive Office,
State of Texas, Austin.

I, S. W. T. Lanham, Governor of the State of Texas, by virtue of the au-

thority vested in me by the Constitution, do hereby call a special session of the Twenty-ninth Legislature to convene in the city of Austin, Texas, beginning at 3 o'clock post meridian, Saturday, April 15, 1905, for the following purposes, to-wit:

1. To increase the ad valorem tax rate for the present and succeeding years in order to raise the necessary additional revenue to pay the debts and defray the expenses of the State government.

2. To make appropriations for the support of the State government and for the public service for the fiscal years beginning September 1, 1905, and ending August 31, 1907.

In witness whereof, I have hereunto set my hand and caused the seal of state to be affixed at Austin, Texas, this the fifteenth day of April, A. D. 1905.

(Seal) S. W. T. LANHAM,
By the Governor: Governor.
O. K. SHANNON,
Chief Clerk, Acting Secretary
of State.

NOTIFICATION COMMITTEES.

Senator Stafford moved that a committee of three members be appointed to notify the Governor that the Senate was organized and ready for business, and

The Chair appointed Senators Stafford, Meachum and Grinnan.

On motion of Senator Glasscock, the Chair appointed Senators Glasscock, Hawkins and Smith to notify the House that the Senate was organized and ready for business.

EXCUSED.

On motion of Senator Willacy, Senator Griggs was excused from attendance upon the Senate till Tuesday, on account of business.

REPORT OF HOUSE NOTIFICATION COMMITTEE.

Senator Glasscock of the Senatorial committee appointed to notify the House of Representatives of the Senate's organization and announced that the committee had reported as per the Senate's instructions.

REPORT OF GOVERNOR'S NOTIFICATION COMMITTEE.

Senator Stafford of the Senate committee to notify the Governor of the

Senate's organization appeared at the bar of the Senate and announced that the Senate's instructions had been complied with.

EXECUTIVE MESSAGE.

The following executive message was here received and laid before the Senate:

Executive Office,
State of Texas.

To the Legislature:

The proclamation that convenes you in special session designates the subjects submitted for your consideration. They are few in number, but of paramount and vital importance. Their appropriate treatment demands your best energy and judgment. The means to carry on the government, to pay its debts and maintain its credit must be supplied. I renew and reiterate the suggestions made to you on this subject at the regular session. It is obvious to every one at all familiar with the conditions that upon the existing basis of taxation and with all the enactments that have been made designed to raise revenue, the amount to be realized will be insufficient to meet the requirements for the economical administration of the state government for the present and two succeeding fiscal years. Making the most liberal allowance for the operation of the revenue bills passed at the regular session, and assuming that there will be no obstruction interposed to their free course and execution, it will be impossible through them and other sources available to meet the demands present and prospective upon the public treasury. With the appropriations already made and yet to follow, and the current expenses to be met, the end of the present fiscal year will find the state in arrears in a very large amount—not less than one million of dollars, and possibly more than that sum. Immediate relief must be had. To obtain this and make the necessary provision for the support of the government, it is absolutely necessary to increase the ad valorem tax rate. I again recommend that it be raised to twenty-five cents for the calendar year 1905, and to twenty cents thereafter, and that it be done to take immediate effect. I need not repeat nor multiply the arguments previously presented. I assume that you are entirely conversant with the situation and will promptly realize its gravity. The procurement of revenue should precede its expenditure.

To make appropriations for the support of the government and for the public service is a patriotic duty, as well as a representative obligation.

The credit of the state must be preserved and its institutions suitably maintained. We must not allow its machinery to become impaired. We can not afford to disregard its necessities. Adequate appropriations for the efficient and satisfactory administration of the public service are indispensable. There should be no prodigality in the expenditure of the State's money. We should be as careful in its disposition as if it were our individual funds. The strictest economy should be observed, while withholding no necessary appropriation justified by forthcoming resources. Rigid scrutiny should be applied to every item in the appropriation bill. I invite your attention to the language employed in the proclamation for the extraordinary session. It says "to make appropriations for the support of the state government and for the public services, etc." This should be taken in its logical significance and practical acceptance. It is not intended, nor does it mean, to expend the public money to satisfy an aggregation of individual or miscellaneous and doubtful claims of ancient origin and stale demand which have no proper place in an appropriation bill and the satisfaction of which is not necessary to the support and conduct of the government. If there be outstanding just claims against the state alleged to have accrued in years gone by, they should be ascertained and provided for at a regular session by independent bills, and after due investigation of their merits. I trust that nothing foreign to the scope and purpose of a general appropriation bill will be embraced in the one you may pass.

It is of the utmost importance that the amount appropriated shall not exceed the means of payment. Let us proceed at once to the performance of the task before us, raise the needed revenues, prepare to discharge our obligations and place the state upon that plane of financial solvency which its dignity and good faith require.

S. W. T. LANHAM,
Governor.

REPORT OF COMMITTEE FROM HOUSE.

A committee from the House of Representatives, composed of Representatives McKinney, Alderdice and Sharpe, reported that the House of Representatives was organized and ready for business.

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Willacy:
Senate bill No. 1, a bill to be entitled

"An Act making appropriations for deficiencies in the appropriations heretofore made for the support of the State government for the fiscal years ending February 28, 1901; August 31, 1901; August 31, 1902; August 31, 1903; August 31, 1904; and August 31, 1905, being for claims registered in the Comptroller's Office in accordance with law, and for outstanding claims not registered, and to make additional appropriations for the support of the State government for the year ending August 31, 1905."

Read first time, and referred to the Committee on finance.

SPECIAL COMMITTEE REPORT.

By Senator Harper:

Hon. Geo. D. Neal, President of the Senate.

Sir: We, your committee, beg leave to submit the following report:

We recommend that the following officers, clerks and employes of the regular session be retained during the special session of the Legislature, and that all other officers, clerks and employes be notified, on account of the limited amount of business to be considered during the special session, their services are not required during the same:

Secretary, Assistant Secretary, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Clerk to the Sergeant-at-Arms, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Enrolling Clerk, Engrossing Clerk, Doorkeeper, Assistant Doorkeeper, Chaplain, Postmaster, Assistant Postmaster, Clerk to Finance Committee, George W. Savage; four Stenographers, Mrs. H. H. Hawkins, Miss Donnelly, Miss Bolger, Miss Hannan, who shall also perform such other duties as may be assigned them.

The Lieutenant Governor shall retain his Secretary and porter, and there shall be retained the five pages first selected and the porters selected at the beginning of the regular session, and that the Notarial Clerk be retained for five days.

WILLACY,
HICKS,
PAULUS,
HARPER,
HANGER.

Senator Decker made the point of order that to adopt the report would be violation of the rule made by the Senate when the Senate was organized, by resolution, and that the Clerks could not be discharged, especially those appointed by the Lieutenant Governor.

President Pro Tem Willacy was called to the chair, and sustained the point of order that the Senate could not discharge any employe appointed

by the Lieutenant Governor, and only those elected by the Senate could be acted on.

Senator Holland moved that the report be referred back to the committee.

Senator Looney moved to table the motion to recommit, which motion was adopted by the following vote:

Yeas—20.

Brachfield.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Grinnan.	Paulus.
Hanger.	Skinner.
Harper.	Smith.
Hawkins.	Stokes.
Hicks.	Stone.
Hill.	Terrell.
Looney.	Willacy.

Nays—5.

Barrett.	Holland.
Chambers.	Stafford.
Decker.	

Absent.

Beaty.	Hale.
Davidson.	Harbison.
Faulk.	

Absent—Excused.

Griggs.

Senator Holland offered the following amendment:

Amend by inserting on line 12, after "Miss Hannan," "J. D. Lyons."

Senator Looney moved to table the amendment, which motion was adopted by the following vote:

Yeas—18.

Brachfield.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Harper.	Stafford.
Hawkins.	Stokes.
Hill.	Stone.
Looney.	Terrell.
McKamy.	Willacy.

Nays—7.

Barrett.	Hanger.
Chambers.	Hicks.
Griggs.	Holland.

Absent.

Beaty.	Hale.
Davidson.	Harbison.
Faulk.	Martin.

Senator Decker offered an amendment, but pending discussion he withdrew same, and

Moved that the resolution be recommended to a committee of five members to be appointed by the Chair.

Senator Looney made the point of order that a motion in substance the same had been voted down by the Senate.

The Chair sustained the point of order.

The resolution was then adopted.

(Lieutenant Governor Neal in the chair.)

RESIGNATION OF COMMITTEE CLERKS.

The following offered their resignations as committee clerks, the resignations having been offered before the final action on the above special committee report, and is placed here in order to keep the make-up of the Journal in form:

To the Presiding Officer and Members of the Senate.

I hereby respectfully tender my resignation as one of your general committee clerks, and request that the same take effect from the present time.

Respectfully submitted,

V. V. DANIELS.

Hon. Geo. D. Neal, President of the Senate.

Sir: I hereby tender my resignation as Committee Clerk of the Twenty-ninth Legislature.

T. D. COBBS, JR.

Austin, Texas, April 15, 1905.

To the Hon. Lieutenant Governor, Geo. D. Neal, and Members of the Senate.

I hereby most respectfully tender my resignation as one of the stenographers of the Twenty-ninth Senate, and ask that the same be accepted to become effective immediately, and I take this opportunity of extending to the Lieutenant Governor and each and every member of the Senate my most heartfelt thanks and gratitude for the kindness and courtesy with which they have treated me since the session began. Respectfully submitted,

JOE D. LYONS.

In connection with the adoption of the resolution and resignation of the

clerks, Senator Looney offered the following:

Resolved, That the considerate action of Messrs. T. D. Cobbs, Jr., V. V. Daniels and J. D. Lyons, in tendering their resignations as employees of this body be and the same are hereby accepted in the same spirit that prompted the tender of the resignations; and

Further, the Senate hereby expresses its appreciation of those named, as well as all the employees of this body, for the faithful and efficient services rendered by each of them during the regular session of this Legislature.

PRESIDENT PRO TEMPORE—ELECTION OF.

At this time the election of a President Pro Tempore was the order of business, and

Senator Stafford placed in nomination Hon. John G. Willacy of San Patricio county, and made a short talk.

Senators Glasscock, Martin and Terrell seconded the nomination.

There being no other nominations, the Chair directed the Senators to prepare their ballots.

Senators Holland, McKamy and Glasscock were appointed as tellers.

Senator Willacy received all the votes cast, and

After the oath of office was administered was declared duly and constitutionally elected, and was introduced to the Senate by Lieutenant Governor Neal, and made a short but happy speech and thanked the Senate for the honor conferred.

SENATORS EXCUSED.

On motion of Senator McKamy, Senator Hawkins was excused from attendance upon the Senate for next week on account of business.

On motion of Senator Stafford, Senator Hicks was excused from attendance upon the Senate for next week on account of business.

On motion of Senator Hanger, Senator Decker was excused from attendance upon the Senate for next week on account of business.

On motion of Senator Chambers, Senator Holland was excused from attendance upon the Senate for next week on account of business.

On motion of Senator Faust, Senator Paulus was excused from attendance upon the Senate for next week on account of business.

On motion of Senator Holland, Senator Chambers was excused from at-

tendance upon the Senate for next week on account of business.

On motion of Senator Glasscock, Senator Terrell was excused from attendance upon the Senate for next week on account of business.

On motion of Senator McKamy, Senator Stokes was excused from attendance upon the Senate for next week on account of business.

ADJOURNMENT.

On motion of Senator Stafford, the Senate adjourned till Tuesday morning at 10 o'clock.

SECOND DAY.

Senate Chamber,
Austin, Texas, April 18, 1905.
Senate met pursuant to adjournment,
President pro tem. Willacy in the chair.
Roll call.
No quorum present, the following
senators answering to their names:

Present—8.

Barrett.	Martin.
Beaty.	Meachum.
Glasscock.	Skinner.
Griggs.	Willacy.

Absent—23.

Brachfield.	Harbison.
Davidson.	Harper.
Decker.	Hill.
Faulk.	Looney.
Faust.	McKamy.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stone.

Absent—Excused.

Chambers.	Paulus.
Hawkins.	Stokes.
Hicks.	Terrell.
Holland.	

On motion of Senator Meachum the Senate stood at ease for thirty minutes.
The Senate was again called to order by President pro tem. Willacy.

ADJOURNMENT.

On motion of Senator Meachum the Senate adjourned till tomorrow morning at 10 o'clock.

THIRD DAY.

Senate Chamber,
Austin, Texas,
Wednesday, April 19.

Senate met pursuant to adjournment,
President pro tem. Willacy in the chair.

Roll call.

No quorum present, the following
Senators answering to their names:

Present—14.

Barrett.	Harbison.
Beaty.	Harper.
Brachfield.	Martin.
Faust.	Meachum.
Glasscock.	Skinner.
Griggs.	Stone.
Hanger.	Willacy.

Absent—17.

Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Paulus.
Grinnan.	Smith.
Hale.	Stafford.
Hawkins.	Stokes.
Hicks.	Terrell.
Hill.	

ADJOURNMENT.

On motion of Senator Skinner the Senate adjourned till tomorrow morning at 10 o'clock.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, April 20, 1905.

Senate met pursuant to adjournment,
President Pro Tem. Willacy in the chair.

Roll call, no quorum present, the following Senators answering to their names:

Barrett.	Harper.
Beaty.	Hicks.
Brachfield.	Hill.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Skinner.
Grinnan.	Stokes.
Hanger.	Stone.
Harbison.	Willacy.

Absent.

Davidson.	Smith.
Hale.	Stafford.
Looney.	